GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – EFS&T Department - Allegation of acquisition of assets disproportionate to the known sources of his legal income against Sri P.Maruthi Prasada Rao, the then FRO (T), Nellore, SPSR Nellore District – Final report of the DG, ACB received -Further action dropped - Orders – Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (SEC.IV) DEPARTMENT

G.O.MS.No. 81 Dated: 27-07-2018

Read the following:-

1. From the Prl.CCF Proceedings Ref.No.1511/2014/P1, dt:16.1.2014.
2. Govt.Memo. No.420/For.IV/A1/2014, EFS&T Dept., dt.7.1.2016.
3. From the DG, ACB, Lr.Rc.No.13/RCA-NNL/2014, dt.13.08.2015.
4. G.O.Ms.No.41, EFS&T(Sec.IV) Dept., dt.04.04.2016.
5. From the DG, ACB, Lr.Rc.No.13/RCA-NNL/2014, dt.07.09.2017.
6. From Sri P. Maruthi Prasada Rao, FRO, representation, dt.12.09.2017.
7. Govt.Memo.No.420/For.IV/A1/2014, dt.05.01.2018 and dt.11.04.2018.
8. From the PCCF, Lr. Rc. No.1511/2014/Vig-1, dt 26.04.2018.

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O R D E R:

In the reference 1st read above, in his proceedings the Principal Chief Conservator of Forests (HoFF) has informed that, it has come to the notice that vide Automex message of DSP, ACB, Nellore Range dt.10.01.2014 that the Anti Corruption Bureau Officials of Nellore conducted raids on the residential house of Sri P.Maruthi Prasada Rao, Forest Range Officer, Nellore and found that the Accused Officer is in possession of huge assets in his name and in the name of his family members which are disproportionate to his known source of legal income amounts to Rs.5,91,79,750/- for which he could not satisfactorily account. Accordingly, the Principal Chief Conservator of Forests (HoFF) has issued orders placing the Accused Officer, Sri P.Maruthi Prasada Rao, Forest Range Officer under suspension as per Rule 8(2) read with Rule 13 of A.P.C.S.(CC&A) Rules, 1991 from the date of detention i.e., w.e.f. 9-1-2014.

2. The Accused Officer was under suspension for a period of two (2) years. The case of the Accused Officer was reviewed in the review meeting of the ACB cases held on 22.6.2015 and the Principal Chief Conservator of Forests was permitted to reinstate Sri P.Maruthi Prasada Rao, Forest Range Officer into service vide ref. 2nd read above.

3. In the reference 3rd read above, the Director General, Anti Corruption Bureau has requested the Government for authorization for attachment of properties worth of Rs.1,82,50,000/- of the Accused Officer.

4. Accordingly, in the reference 4th read above, orders were issued authorizing the investigating officer of Anti Corruption Bureau, Nellore Range, Nellore for filing applications in the Court of Spl. Judge for SPE & ACB Cases, Nellore for attachment of properties worth of Rs.1,82,50,000/- of the Accused Officer as described in the Annexures I & II of the order.

5. In the reference 5th read above, the Director General, Anti Corruption Bureau has sent the final report of the case and recommended for prosecution

of the Accused Officer in the court of Law under Section 19(1)(b) of the Prevention of Corruption Act, 1988. The Director General, Anti Corruption Bureau has also requested for initiation of departmental action for violation of Rules 9(1) & (7) of APCS (Conduct) Rules, 1964, against the A.O.

6. Meanwhile, Sri P.Maruthi Prasada Rao, Forest Range Officer has submitted a representation, vide reference 6th read above, along with copies of documentary evidences and requested the Government to consider all the sources of income based on documentary evidences and drop further action in the Disproportionate Assets case against him.

7. With reference to the final report of the Director General, Anti Corruption Bureau and the representation of the Accused Officer, Government have requested the Principal Chief Conservator of Forests to furnish his remarks in the matter vide reference 7th read above. The Principal Chief Conservator of Forests (HoFF) has furnished the detailed report vide reference 8th read above.

8. After careful examination of the matter, with reference to the final report of the Director General, Anti Corruption Bureau, remarks of the Principal Chief Conservator of Forests (HoFF) vide reference 8th read above and the material made available, the following are observed:

i) Principal Chief Conservator of Forests (HoFF) has confirmed the detailed estimation for the cost of construction of the residential building at Bujabujanellore prepared by Sri K.Manohar, B.Tech, M.Val, MIE, FIV, who is the SBI approved Building valuer. The SBI valuer has evaluated the value of the building as Rs.1,05,47,532 instead of Rs.1.43 crores valued by the Anti Corruption Bureau. Earlier the same building was evaluated by the Income Tax valuer as Rs.1.12 crores. Principal Chief Conservator of Forests(HoFF) reported that as two valuations i.e. I.T & S.B.I are closure to each other, benefit of doubt should go in favour of Accused Officer.

ii) The Principal Chief Conservator of Forests (HoFF) has reported that intimation given by the accused officer for acquiring ancestral agriculture wetland with an extent of 0.83 cents (Market Value Rs.2411000/-) situated in Sy.No.67-B&67-2C as a gift of "Pasupukumkuma" on the occasion of marriage in the name of D.Naga Chandrika, W/o P.Maruthi Prasad Rao and ancestral property (House) Market value of Rs.5,76,000/- received by the applicant and his wife Smt D.Naga Chandrika from D.Chinnaiah brother of Father–in–law as a gift of Pasupukumkuma situated in Sy.No.89 of Bujabuja Nellore Panchayat Yadava Street, Ward No.2, Nellore district, are recorded in Prl.CCFs Ref.No.5059/2013/K-5, dt.23.05.2013 under rule 9(1) read with sub rule (10) of APCS (Conduct) Rules,1964. The PCCF has also reported that permission for construction of house at House site situated in Sy.No.89 of Buja Buja Nellore Panchayat with the estimated cost of Rs.53,00,000/- was granted vide Prl.CCFs Ref.No.5059/2013/K5 (ii) dt.26.06.2013 under Rule 9(1) read with sub rule (10) of APCS (Conduct) Rules, 1964.

iii) Regarding the sale agreement of 4 flats of A.O's wife by taking advance of Rs.55.00 lakhs from the progressive buyers, the Principal Chief Conservator of Forests (HoFF) has reported that the Accused Officer submitted application intimating the disposal of flats by way of sale to the unit officer i.e., the Divisional Forest Officer. But the application of the A.O was not processed by the division office. Hence, the issue of permission / recording intimation by the Principal Chief Conservator of Forests (HoFF) does not arise. The PCCF has reported that the DFO, SPSR Nellore in his subsequent report dt.02.04.2018 while enclosing the evidential documents like extract of inward register and tappal so received initialed and filed in division office file has stated that the Accused Officer has submitted applications on 16.05.2013, 12.06.2013 & 26.12.2013 intimating the disposal of property by way of sale of Flat Nos.101,102,103 & 104 by his wife on verification of inward register and division office file but the applications of Accused Officer were not

processed by the division office to the higher authorities for getting permission of disposal of Flats. The DFO has reported that as the A.O has not received the required permission within the stipulated period of one month from the date of submission of his applications in terms of G.O.Ms.No.26 Genl. (Ser.C) Dept. dated 20.01.1998; the wife of A.O had received the Advance amounts from the progressive buyers treating it as deemed permission and entered into Agreements of sale. She had utilized the same in the construction of the Residential Complex. The Sale Agreements entered by the wife of the A.O with the progressive buyers for the sale of 4 Flats on 18.05.2013, 12.06.2013 and 26.12.2013 after taking total advance of Rs.55,00,000/- could not be recovered from the house of A.O as it would be general and customary practice for the Claimants to keep the Sale Agreements with the Progressive Buyers.

iv) Regarding the salary of Rs.7.00 lakhs earned by A.O's wife from 2009 to 2012 as Software Engineer in Pexterra Software Solutions, the D.F.O reported that it is a fact that wife of the Accused Officer had performed job prior to her marriage.

v) Regarding the streedhanam of Rs.5.00 lakhs received by Accused Officer's wife, the Divisional Forest Officer reported that the Accused Officer informed the same through Annual Property Returns for the years 2012 and 2014 and they were filed in the Service Register of the Accused Officer

vi) With reference to receipt of Rs.17,78,308 by way of selling the Gold Jewellary given as gift at the time of marriage, the Divisional Forest Officer has reported that it was intimated through the Annual Property Returns on 02.01.2014. The Principal Chief Conservator of Forests reported that the applications of the Accused Officer, even though received in division office were not processed to Principal Chief Conservator of Forests (HoFF).

vii) Regarding the transfer of Rs.3.75 lakhs to Accused Officer's wife, by his brother through bank transfer, the Principal Chief Conservator of Forests (HoFF) has reported that it is a fact that the transactions were happened through Bank.

9. Accordingly, after taking all the aspects into consideration and as violation of conduct rules by the Accused Officer is not forthcoming, Government after careful examination, hereby order to drop further action in the case, against the Accused Officer, Sri Pinnaboina Maruthi Prasada Rao, the then Forest Range Officer(T), O/o the Divisional Forest Officer, Nellore Division, SPSR Nellore District.

10. The Director General, Anti Corruption Bureau, A.P., Vijayawada shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General, Anti Corruption Bureau, A.P., Vijayawada.
The Principal Chief Conservator of Forests (HoFF), A.P., Guntur.
The individual concerned (through Prl.CCF, A.P., Guntur)
Copy to:
The Andhra Pradesh Vigilance Commission.
The P.S. to Minister (EFS&T).
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER